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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,852	02/13/2004	Gi Hong Kim	8733.446.10-US	6132
30827	7590	05/22/2006	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			NGO, HUYEN LE	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,852

Applicant(s)

KIM ET AL.

Examiner

Julie-Huyen L. Ngo

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 17, 18, 21, 24-26, 28, 30-32, 34, 35, 37, 39, 41, 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) 12-17, 24-26, 28, 30-32, 34, 35, 37, 39, 41, 43 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 10, 2006 has been entered.

Information Disclosure Statement

The information disclosure statement filed January 11, 2006 has been considered.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 18 and 21 and Kubota et al reference have been considered but are moot in view of the new ground(s) of rejection.

However, the Double Patenting is remained and still can be applied since Applicant did not provide a Terminal Disclaimer as mentioned.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

Art Unit: 2871

1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,724,454 (Kim et al). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 and 18 of the instant application are broader than claim 1 of U.S. Patent No. 6,724,454, which is a Patent of a parent application from which this application is a division of. The subject matter recited in claims 1 and 18 are fully claimed in the Parent Application.

Claims 2 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 of Kim et al (US6742454 B2) in view of Niwano et al (US6452656 B2).

It is conventional and well known in the art to have data electrodes and common electrodes formed on a same layer for obtaining a wider viewing angle, as evidenced by Niwano et al in figures 1 and 43 with the data electrodes 5 and the common electrodes 6 are formed on the same layer 10 (Fig. 1) or layer 1 (fig. 43b).

Art Unit: 2871

Therefore, it would have been obvious for one of ordinary skill in the art to modify Kim et al device with data electrodes and common electrodes formed on a same layer for obtaining a wider viewing angle, as taught by Niwano et al.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Niwano et al (US6452656 B2).

With respect to claims 1 and 18, Niwano et al. teach (Figs. 1, 2 and 35) forming an in-plane switching liquid crystal display device comprising:

- first and second substrates 1/30;
- a plurality of signal/data lines 3 on the first substrate;

Art Unit: 2871

- a plurality of scanning/gate lines 2 crossing the data lines on the first substrate, perpendicular to the data lines;
- a plurality of pixel areas on said first substrate defined by the data and gate lines;
- data electrodes (driving electrode 5) and common electrodes (opposite electrodes 6) alternately formed in each of said pixel areas, the data electrodes having a first transmittance area and the common electrodes having a second transmittance area, wherein the first transmittance area equals the second transmittance area;
- a liquid crystal layer 18 between said first and second substrates.

Wherein

- at least one of the data electrodes and common electrodes is shield by the black matrix (BM) 12 (see Fig. 1) or
- at least one of the data electrodes and common electrodes is shield by the gate electrode 2 (see Fig. 35b)

Claims 2 and 21:

- the data electrodes 5 and the common electrodes 6 are formed on the same layer 10 (Fig. 1) or layer 1 (fig. 43b)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seo et al (US 6445435 B1) disclose an IPS mode liquid crystal display device having common electrode on passivation layer.

Art Unit: 2871

Choi et al (US 6429918 B1) discloses a liquid crystal display having high aperture ratio and high transmittance.

Son et al (US 6400435 B2) disclose an IPS mode liquid crystal display device capable of shielding against interferences.

Ohe et al (US 6300994 B1) disclose a liquid crystal display device with substantial elimination of residual image.

Lee et al (US 6281953 B1) disclose a liquid crystal display having high aperture ratio and high transmittance and method of manufacturing the same.

Shin et al (US 6271903 B1) disclose a liquid crystal display device having a high aperture ratio while maintaining a wide angle of view, in which the liquid crystal is driven by a transverse electric field, and in which the light shielding matrix and the common electrode are set to substantially the same voltage.

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Julie-Huyen L. Ngo whose telephone number is (571) 272-2295. The Examiner can normally be reached on Monday to Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. David Nelms can be reached at (571) 272-1787.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

Information regarding the status of an application may be obtained from the

Art Unit: 2871

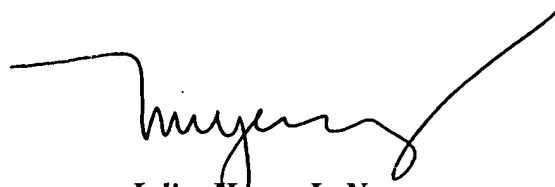
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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 15, 2006



Julie-Huyen L. Ngo
Primary Examiner
Art Unit 2871